

**EDGERTON PLANNING COMMISSION
MEETING AGENDA
EDGERTON CITY HALL - 404 EAST NELSON STREET
August 13, 2024
7:00 P.M.**

The City of Edgerton encourages public participation in local governance issues. To facilitate an efficient and effective meeting, persons wishing to address the Planning Commission must sign-up before the meeting begins. During public hearings, comments must be limited to three (3) minutes per speaker. The maximum time limit for all speakers during each public hearing will be one (1) hour.

The chair may modify these provisions, as necessary. Speakers should state their name and address and then make comments that pertain to the public hearing item.

The chair may limit any unnecessary, off-topic, or redundant comments or presentations. Speakers should address their comments to Planning Commission members only and should not speak to fellow audience members. Commission members will not engage in a dialogue or debate with speakers. Speakers and audience members should conduct themselves in a civil and respectful manner. Disruptive conduct may result in removal from the meeting.

Call to Order

1. **Roll Call** ____ Daley ____ Draskovich ____ Mathos ____ Little ____ Mueller
2. **Welcome**
3. **Pledge of Allegiance**

Consent Agenda (*Consent Agenda items will be acted upon by one motion unless a Planning Commissioner requests an item be removed for discussion and separate action.*)

4. Minutes from the July 9, 2024 Planning Commission Meeting.

Regular Agenda

5. **Declaration.** At this time Planning Commission members may declare any conflict or communication they have had that might influence their ability to impartially consider the agenda items.

Business Requiring Action

New Business

6. **CU2024-0100: CONDITIONAL USE PERMIT APPLICATION FOR THE NORTHERN BILLBOARD SIGN LOCATED AT 36450 FRONTAGE ROAD**
 - a. Presentation from Mike Dahir for Application CU2024-0100
 - b. Presentation from City Staff for Application CU2024-0100
 - c. Public Hearing for Application CU2024-0100

- d. Discussion of Application CU2024-0100
- e. Consideration of Application CU2024-0100

7. **CU2024-0101: CONDITIONAL USE PERMIT APPLICATION FOR THE SOUTHERN BILLBOARD SIGN LOCATED AT 36450 FRONTAGE ROAD**

- a. Presentation from Mike Dahir for Application CU2024-0101
- b. Presentation from City Staff for Application CU2024-0101
- c. Public Hearing for Application CU2024-0101
- d. Discussion of Application CU2024-0101
- e. Consideration of Application CU2024-0101

8. **UDCA-0001: PROPOSED AMENDMENTS TO ARTICLE 3 OF THE EDGERTON UNIFIED DEVELOPMENT CODE**

- a. Presentation from City Staff for Application UDCA2024-0001
- b. Public Hearing for Application UDCA2024-0001
- c. Discussion of Application UDCA2024-0001
- d. Consideration of Application UDCA2024-0001

9. **Future Meeting Reminders**

- September 10, 2024 at 7:00 PM - Regular Session
- October 8, 2024 at 7:00 PM - Regular Session
- November 12, 2024 at 7:00 PM - Regular Session

10. **Announcements**

11. **Adjourn**

PLANNING COMMISSION
July 9, 2024 Minutes

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Street, Edgerton, Kansas on July 9, 2024. The meeting convened when Chairperson John Daley called the meeting to order at 7:01 PM.

1. ROLL CALL

Jeremy Little	present
Tina Mathos	absent
Adam Draskovich	absent
John Daley	present
Jordyn Mueller	present

With a quorum present, the meeting commenced.

Staff in attendance: Zachary Moore, Development Services Director
Chris Clinton, Planning and Zoning Coordinator

2. **WELCOME** Chairperson Daley welcomed all in attendance to the meeting.
3. **PLEDGE OF ALLEGIANCE** All present participated in the Pledge of Allegiance.

CONSENT AGENDA

4. Minutes from the June 11, 2024 Planning Commission Meeting.

Commissioner Little moved to approve the Consent Agenda. The motion was seconded by Commissioner Mueller. The Consent Agenda was approved, 3-0.

REGULAR AGENDA

5. DECLARATION

Chairperson Daley asked the Commissioners to declare any correspondence they have received or communication they have had regarding the matters on the agenda. If they have received correspondence or have had any communication, he asked if it may influence their ability to impartially consider the agenda items.

The Commissioners did not have anything to declare.

BUSINESS REQUIRING ACTION

NEW BUSINESS

6. PUD2024-0101: FINAL PLANNED UNIT DEVELOPMENT AND PLAT APPLICATION FOR DWYER FARMS LOCATED ON THE SOUTHWEST CORNER OF BRAUN/207TH STREET AND 8TH STREET/EDGERTON ROAD

Mr. Lee Ryherd, SMH Consultants, spoke before the Commission. He stated this application is for Phase II of the Dwyer Farms subdivision. Phase I started in 2022 and this will be a continuation of the development to the west and will be comprised of 105 lots and one (1) common tract for a monument sign off Braun/207th Street. There is one (1) additional connection from Braun/207th Street proposed and the streets from Phase I will be continued into Phase II. The property to the west will be able to connect to one of the streets as future development occurs. He explained that all of the utilities will be installed to all of the proposed lots. The stormwater and sanitary sewer infrastructure will be continued from Phase I into Phase II. Mr. Ryherd said the watermain is accessible across Braun/207th Street. Gas and power will be extended to the site by the appropriate company. Landscaping will be provided as was agreed upon in the Conceptual Plan, which was one (1) tree per lot. Landscaping will also be provided along Braun/207th Street as shown on the Landscaping Plan that was provided. He stated the monument sign will be like the sign in the northeast corner of Phase I. He stated that the lighting plan and architectural floor plans will be provided to City staff later.

Mr. Zachary Moore, Development Services Director, spoke to the Commission. He stated the application request is for a Final Planned Unit Development (PUD) Plan and Plat for the second phase of the Dwyer Farms subdivision. The property was annexed in April of 2022 then later rezoned to Planned Unit Development (PUD) in August of 2022. The Conceptual Plan was also approved by the Governing Body in August of 2022. On June 13, 2023, the Commission approved Phase I of the Dwyer Farms subdivision and construction is currently on going. Mr. Moore explained Phase II is proposed to have 105 lots with one (1) common tract. The lots will range from 6,000 square feet to just over 10,000 square feet with an average lot size of just under 7,500 square feet. The tract will be owned and maintained by the Homeowners' Association.

He said City staff reviewed the submittal against Article 6 and 13 of the Unified Development Code (UDC). The first requirement of Article 6 is that the proposal must conform with the objectives of the Comprehensive Plan. Mr. Moore stated that three (3) goals of recently adopted Comprehensive Plan are being met with this proposal:

- Goal 2.4: Coordinate land use planning with transportation and other public investments.
- Goal 4.1: Increase housing diversity in Edgerton.
- Goal 4.2: Promote best practices for all proposed residential development.

The Future Land Use Map (FLUM) also shows the subject property to be used as low-to-medium density residential and the proposal is compatible with the existing neighborhood. Mr. Moore explained that the net density proposed in Phase II is consistent with the previously approved Conceptual Plan. The site is under one (1) ownership as required by the UDC.

Mr. Moore said the applicant has requested a side yard setback of five (5) feet, which was approved in the Conceptual Plan and the first phase of the development. This would result in

a space between buildings of ten (10) feet. A stipulation of approval has been added for the use of fire rated materials to be used for exterior materials. The proposed setbacks meet what was approved in the Conceptual Plan. The front yard setback is proposed as 28 feet, rear yard setback proposed is 20 feet, and the corner yard setback that is proposed is 15 feet. Off-street parking will be provided as each previously provided floor plan has either a two (2) or three (3) car garage with two (2) additional parking spaces in the driveway. Mr. Moore said the proposed PUD will follow the Traffic Impact Study that was previously approved. The landscape plan and signage dose meet the UDC requirements, and the applicant will provide a sidewalk on one (1) side of all interior streets.

Mr. Moore said City staff recommends approval of PUD Final Plan and Plat for Phase II of Dwyer Farms with the following stipulations:

1. Prior to the plat being recorded, the following must occur:
 - a. Floorplans for the models of homes to be constructed during this Phase must be provided.
 - b. The stormwater study must be approved by the City Engineer.
 - c. Public infrastructure plans must be approved by the City Engineer. Any necessary changes to the plat based on the review of those plans must be made prior to plat recording.
 - d. The exterior corner in the boundary of a subdivision of land must be monumented prior to the recording of the plat.
2. Fire-rated materials must be used in construction of homes in lieu of the Planning Commission and Governing Body permitting a 5-foot side yard setback and minimum 10-foot separation between buildings.

Chairperson Daley inquired if the City is requiring basements on the homes. Mr. Moore replied that there have not been any formal building permit submittals at this time, but basements are not required. Chairperson Daley thought a shelter of some sort was required. Mr. Moore answered that when the building code was adopted, the Governing Body voted to amend the building code to allow a property owner to sign an affidavit opting out of having a storm shelter provided in a new house being constructed. Chairperson Daley inquired as to who submits the affidavit. Mr. Moore answered the property at the time of building permit submittal submits the affidavit.

Chairperson Daley inquired as to what the status of Phase I is currently. Mr. Kyle Jones, Rausch Coleman Homes, replied that they are currently working on constructing the streets and then other utility infrastructure will be constructed. He stated they have no control as to when the utilities will be completed as construction of those are done by each utility company. Once the roads are completed, Rausch Coleman then plans on applying for building permits, which they hope is to be in August. Chairperson Daley asked if the homes were to be constructed on a slab and not a basement. Mr. Jones stated that is correct and will have an option for buyers to add a storm shelter to their home, but as the owner at the time of building permit submittal, Rausch Coleman will be opting out of the storm shelter requirements.

Commissioner Mueller moved to recommend approval of Application PUD2024-0101 with the stipulations outlined by City staff to the Governing Body, seconded by Commissioner Little. Application PUD2024-0101 was recommended for approval with the stipulations, 3-0.

7. **RZ2024-0001: REZONING APPLICATION FOR MIDWAY FORD TRUCK CENTER, INC. LOCATED WEST OF THE INTERCHANGE OF HOMESTEAD LANE AND INTERSTATE 35**

Mr. Judd Claussen from Phelps Engineering, applicant representative, addressed the Commission. He said the site is just over 15 acres and is located on the northwest corner of Homestead Lane and Interstate 35 (I-35), just south of the Edgerton Crossing development. The subject property will have access from public streets coming from Edgerton Crossing that will enter at the northeast corner of the site. Mr. Claussen explained that there is floodplain on the western side of the subject property and there is thick vegetation to the north. Johnson County Parks and Recreation owns the property to the south and there is Rural-to-Low Density Residential to the north and west. The subject property is on the edge of City limits to the west and south. He stated the property was annexed in 2014 and later rezoned to C-2, Heavy Service Commercial, later that year. Mr. Claussen said Midway Ford Truck Center, Inc. has recently purchased property and would like to use the land for commercial truck sales and service center. Rezoning to C-3, Highway Service Commercial, would be required as vehicle sales are not a use allowed in C-2, even though a truck service facility would be allowed. Mr. Claussen stated Midway Ford is one of the largest dealers in the nation and would like to be able to serve the Edgerton area with truck sales in the near future. There is no Site Plan drafted at this time, but the property owner is requesting for the allowance of the use of truck sales. The property owner wants to be in Edgerton and plans on developing the site in about five (5) years, which will allow time for marketing. A Site Plan will be brought forward when development is more imminent.

Chairperson Daley opened the public hearing. No public comments were made at this time. Commissioner Little moved to close the public hearing and Commissioner Mueller seconded the motion. The public hearing was closed, 3-0.

Mr. Moore spoke before the Commission. The subject property is about 15.14 acres located just west of the Homestead Lane and I-35 interchange and the applicant is requesting to rezone it from C-2, Heavy Service Commercial, to C-3, Highway Service Commercial. The subject property was annexed into the City of Edgerton in August of 2014 and rezoned to C-2 in September of 2014. The property owner is requesting the rezoning for future development of commercial truck service and sales. The truck service facility would be allowed in the C-2 district. However the sale of vehicles is not allowed and the rezoning to the C-3 district would be needed for the sales.

Mr. Moore stated the property to northeast, which is Edgerton Crossing, is currently zoned C-2. The other properties adjacent to the subject parcel are all currently zoned County RUR (Rural). He explained the Future Land Use Map (FLUM) designates the subject property as Gateway Commercial, making the request for the rezoning consistent with the FLUM and Comprehensive Plan.

He explained the request was reviewed against the Golden Criteria as was adopted by the State of Kansas. He said if this request is approved, it would be the only property in Edgerton zoned C-3, therefore exhibiting the need for the rezoning of this property. Mr. Moore said that all cities need to have and utilize many different uses and zoning districts to be sustainable.

The use proposed by the property owner would fit in with the future development to the northeast and the overall character of the neighborhood. The C-3 zoning district is compatible with the C-2 zoning district. The property is currently undeveloped and has been since it was rezoned in 2014. The location of the property is that the roadway would currently end in the future development so the increase of traffic would not adversely affect the roadway network or safety, nor would it detrimentally affect nearby properties. The proposed rezoning would meet the following goals set in the Comprehensive Plan:

- Goal 2.1: Promote a balanced mix of land uses that supports growth and development.
- Goal 2.2: Grow in an efficient and sustainable manner that considers the needs and impact of expanding services.
- Goal 5.1: Continue to support Edgerton's specialization in transportation and warehousing while also diversifying its economic base.
- Goal 5.3: Become a full-service community with a wide variety of amenities, jobs, and housing types.

Mr. Moore stated that City staff did receive an email earlier today from a neighboring resident. The request was for a restriction of all exterior lights to be turned off no later than 8:00 PM. He explained stipulations such as that are development standards and would be appropriate to be reviewed and possibly added to a Site Plan. A photometric plan will be required to meet City requirements at the time of Site Plan application. Mr. Moore said City staff does recommend approval of Rezoning Application RZ2024-0001 with no stipulations.

Commissioner Little moved to recommend approval of Application RZ2024-0001 to the Governing Body. Commissioner Mueller seconded the motion. Application RZ2024-0001 was recommended for approval, 3-0.

8. **UDCA2024-0001: PROPOSED AMENDMENTS TO ARTICLE 3 OF THE EDGERTON UNIFIED DEVELOPMENT CODE – STAFF REQUESTS THIS ITEM BE CONTINUED TO THE AUGUST 13, 2024 MEETING**

Commissioner Mueller moved to continue Application UDCA2024-0001 and the public hearing to the Commission meeting scheduled on August 13, 2024. The motion was seconded by Commissioner Little. Application UDCA2024-0001 and the public hearing was continued to August 13, 2024, 3-0.

9. **FUTURE MEETING REMINDERS**

Chairperson Daley stated that the next regular session is scheduled for August 13, 2024; September 10, 2024; and October 8, 2024.

10. **ANNOUNCEMENTS**

Chairperson Daley stated he does not plan on seeking reappointment when his current term ends in September.

Mr. Moore said he does not have any announcements.

11. **ADJOURN**

Commissioner Little moved to adjourn the meeting. Commissioner Mueller seconded the motion. The meeting was adjourned at 7:28 PM, 3-0.

Submitted by Chris Clinton, Planning and Zoning Coordinator

DRAFT

AD TREND, LLC NORTHERN BILLBOARD

Application CU2024-0100
36450 Frontage Road

QUICK FACTS

PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval of a Conditional Use Permit for a billboard located at 36450 Frontage Road.

Owner and Applicant

Mico, Inc., Property Owner; Ad Trend, Billboard Owner and Applicant

Existing Zoning and Land Use

The property is currently zoned C-2 (Heavy Service Commercial) District. A residential building and three (3) commercial buildings are on the property.

Parcel Size

16.09± acres

Staff Report

Prepared by

Chris Clinton



BACKGROUND

1. *Proposal*

The applicant is requesting a renewal of Conditional Use Permit CU2019-02 on the subject property for the northern billboard on the subject property. The southern billboard will require a separate Conditional Use Permit (CUP) and will also be presented to the Planning Commission at the August 13, 2024 meeting.

2. *Subject Site History*

The 16.09± acre subject property was annexed on February 28, 2008 (Ordinance 836) and was rezoned to the C-2 (Heavy Service Commercial) District on April 24, 2008 (Ordinance 838). The Governing Body approved CUP-02-05-10 on March 25, 2010 allowing for the construction of the billboard and that CUP expired in 2015. In 2019, City staff notified the property owner of the expired CUP, which was then renewed on October 10, 2019. With the CUP expiring on October 10, 2024, the applicant wishes to renew the CUP.

On August 8, 2019, the Governing Body adopted amendments to the Unified Development Code (UDC) prohibiting billboards in the City of Edgerton. The application in 2019 was submitted prior to those amendments being adopted. Per Section 7.1.B of the UDC the Planning Commission, in accordance with the procedures and standards of the UDC, may recommend the Governing Body authorize buildings, structures, and uses as conditional uses in the specific instances and particular districts set forth provided that the location is appropriate, consistent with the Comprehensive Plan, that the public health, safety, morals, and general welfare will not be adversely affected, and that necessary safeguards will be provided surrounding property, persons, and neighborhood values, and further provided that the additional standards of Article 7 specified as a condition of approval.

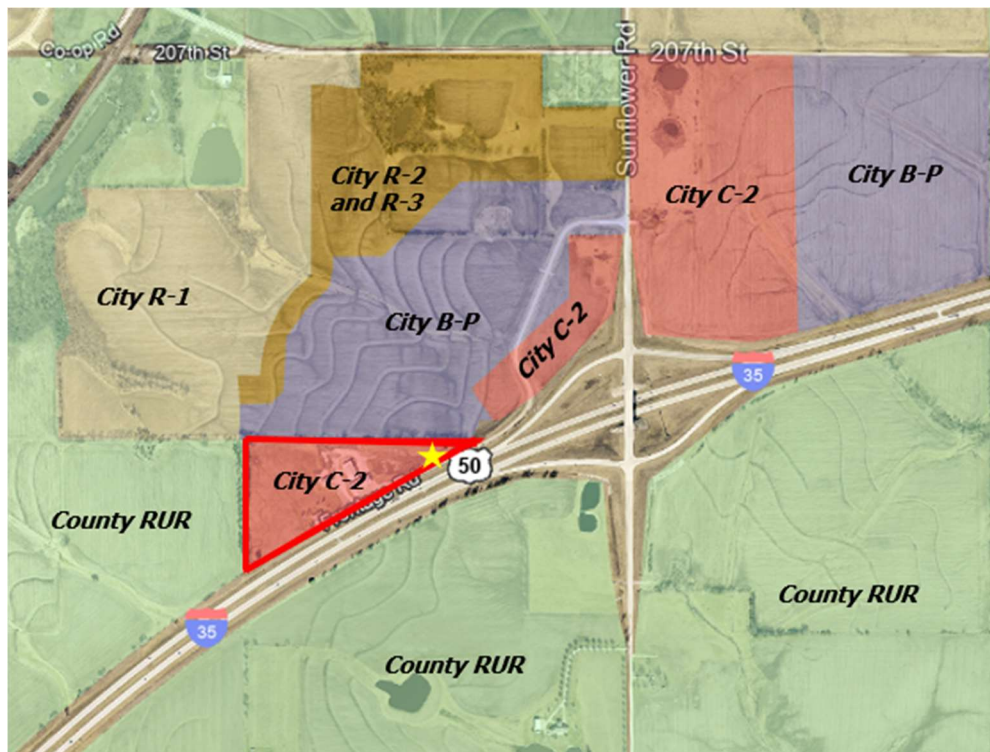


Figure 1 – Zoning Map. Subject Property Outlined in Red. General location of billboard indicated by the Yellow star

CONDITIONAL USE PERMIT REVIEW

Figure 2 below shows the future land use designation for the area, with the subject property outlined in black:

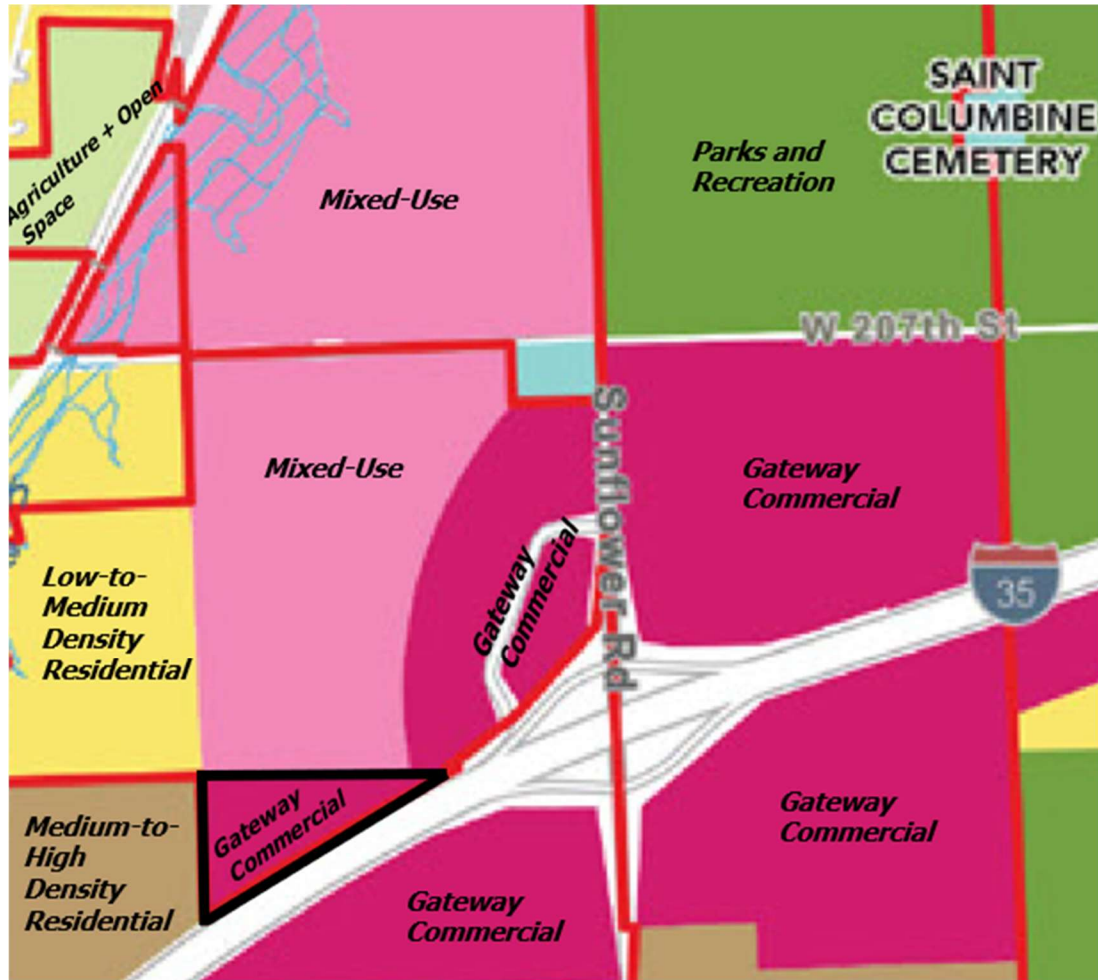


Figure 2

City staff reviewed the Conditional Use Permit under the requirements outlined in Article 7 – Conditional Uses of the UDC.

The purpose of this article is to provide for certain uses, which because of their unique characteristics cannot be distinctly listed as a permitted use in a particular zoning district. The Planning Commission may recommend approval of Conditional Uses to the Governing Body after consideration in each case of the impact of such uses upon neighboring uses, the surrounding area, and the public need for the particular use at the particular location. Limitations and standards are herein established to ensure the use's consistency with the character, uses and activities in the zoning district. Before any Conditional Use may be approved, the Governing Body shall review the record of the public hearing held by the Planning Commission.

The Planning Commission, in accordance with the procedures and standards of the UDC, may recommend the Governing Body authorize buildings, structures, and uses as Conditional Uses in specific instances and in particular districts set forth provided that:

- a. the location is appropriate and consistent with the Comprehensive Plan;
- b. that the public health, safety, morals, and general welfare will not be adversely affected;
- c. the necessary safeguards will be provided to surrounding property, persons, and neighborhood values; and
- d. further provide that additional standards of this Article be specified as a condition of approval.

Section 7.1 Issuance of Conditional Uses

Criteria. In order to recommend approval or disapproval of a proposed conditional use permit, both the Planning Commission and the Governing Body shall determine whether the proposed use is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, the Planning Commission and Governing Body may consider all factors they deem relevant to the questions of compatibility and the best interest of the City, including the following:

1. The extent to which there is a need in the community for the proposed use.
 - a. *This is one (1) of two (2) billboards that are located within the City of Edgerton, and under the current UDC, no other billboards may be constructed.*
2. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
 - a. *The subject property abuts right-of-way for Interstate 35 (I-35), allowing for traffic to view the sign. The zoning of the parcel is C-2 with one (1) family residential building that is currently occupied. One (1) other building on the site is currently occupied as a business, while the other two (2) buildings are unoccupied. The area surrounding the subject property is undeveloped.*
3. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening.
 - a. *To the immediate south of the subject property is I-35, which is the most appropriate location for this use. The sign is approximately 672 square feet, and the only other nearby structures are on the subject property itself. There are no other improvements near the billboard.*
4. Suitability of the uses of the property without the proposed conditional use permit.
 - a. *There are many uses listed in the UDC that are available for the property owner to pick from that do not require a CUP. The billboard is no longer a permitted use due to amendments made to the UDC, making this request unique.*
5. Length of time the subject property has remained vacant without the proposed conditional use permit.
 - a. *Per Johnson County AIMS, there has been a structure on the parcel since at least 1993. The residential building is occupied and there is a business in one (1) of the other buildings on the subject property. The billboard has been located on the property since 2010 and City staff has not received any complaints regarding the billboard.*

6. The extent to which the proposed use may detrimentally affect nearby property.
 - a. *The nearby properties are not detrimentally affected by the sign. City staff has not received any complaints regarding the sign in the 14 years it has been on the property.*
7. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions.
 - a. *Traffic flow and control is not applicable to this request as it is specifically for the sign. While the currently adopted UDC does not have provisions for billboards, the existing billboard complies with previously adopted development standards.*
8. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services.
 - a. *The only utility that would be needed for the billboard is electricity, which is already onsite via Evergy.*
9. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property.
 - a. *The billboard would not affect the capacity or safety of the road network or present any parking problems.*
10. The environmental impacts that the proposed use would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.
 - a. *The only possible impact of the billboard would be nighttime lighting, however City staff has not received any complaints regarding the lighting of the sign.*
11. The economic impact of the proposed use on the community.
 - a. *The sign could be utilized to attract businesses and travelers into Edgerton, leading to a potential increase in property tax and/or sales tax.*
12. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial.
 - a. *There would be little to no gain to the public health, safety, and welfare of the City of Edgerton should this request be denied. If the request is denied, the applicant would be required to remove the billboards from the property, which would be a significant hardship. Due to that potential hardship, City staff recommends the approval of the CUP for five (5) years.*
13. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community.
 - a. *The Future Land Use Map (FLUM) within the Comprehensive Plan designates the subject property as Gateway Commercial, and the billboard is consistent with the FLUM. While the UDC does not allow new billboards currently, the Planning Commission does have the authority to recommend approval of a CUP for a structure per Section 7.1.B.*

14. In addition to the above criteria, the recommendation of professional staff is also required per Ordinance 798 (2005). Staff recommendation is addressed in the Recommendations Section of this Staff Report.

DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
1	Photos of Current Billboard	

STAFF RECOMMENDATION

Staff recommends approval of Rezoning **Application CU2024-0100**, *Ad Trend, LLC Northern Billboard* with the following stipulations:

1. The sign must be kept in good condition. If repairs to the sign are required, the repairs must be in accordance with the time frame of the City of Edgerton UDC. Failure to maintain the sign will result in revocation of the CUP.
2. This CUP will be valid for five (5) years from the date of approval by the City of Edgerton Governing Body.

Note: For Application CU2024-0100 the Planning Commission is the recommending body for the application to the Governing Body. The Application will be presented to the Governing Body on September 12, 2024.



Aug 6, 2024 7:55:00 AM

**36452 Frontage Road Edgerton
Johnson County Kansas**

AD TREND, LLC SOUTHERN BILLBOARD

Application CU2024-0101
36450 Frontage Road

QUICK FACTS

PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval of a Conditional Use Permit for a billboard located at 36450 Frontage Road.

Owner and Applicant

Mico, Inc., Property Owner; Ad Trend, Billboard Owner and Applicant

Existing Zoning and Land Use

The property is currently zoned C-2 (Heavy Service Commercial) District. A residential building and three (3) commercial buildings are on the property.

Parcel Size

16.09± acres

Staff Report

Prepared by

Chris Clinton



BACKGROUND

1. *Proposal*

The applicant is requesting a renewal of Conditional Use Permit CU2019-02 on the subject property for the southern billboard on the subject property. The northern billboard will require a separate Conditional Use Permit (CUP) and will also be presented to the Planning Commission at the August 13, 2024 meeting.

2. *Subject Site History*

The 16.09± acre subject property was annexed on February 28, 2008 (Ordinance 836) and was rezoned to the C-2 (Heavy Service Commercial) District on April 24, 2008 (Ordinance 838). The Governing Body approved CUP-02-05-10 on March 25, 2010 allowing for the construction of the billboard and that CUP expired in 2015. In 2019, City staff notified the property owner of the expired CUP, which was then renewed on October 10, 2019. With the CUP expiring on October 10, 2024, the applicant wishes to renew the CUP.

On August 8, 2019, the Governing Body adopted amendments to the Unified Development Code (UDC) prohibiting billboards in the City of Edgerton. The application in 2019 was submitted prior to those amendments being adopted. Per Section 7.1.B of the UDC the Planning Commission, in accordance with the procedures and standards of the UDC, may recommend the Governing Body authorize buildings, structures, and uses as conditional uses in the specific instances and particular districts set forth provided that the location is appropriate, consistent with the Comprehensive Plan, that the public health, safety, morals, and general welfare will not be adversely affected, and that necessary safeguards will be provided surrounding property, persons, and neighborhood values, and further provided that the additional standards of Article 7 specified as a condition of approval.

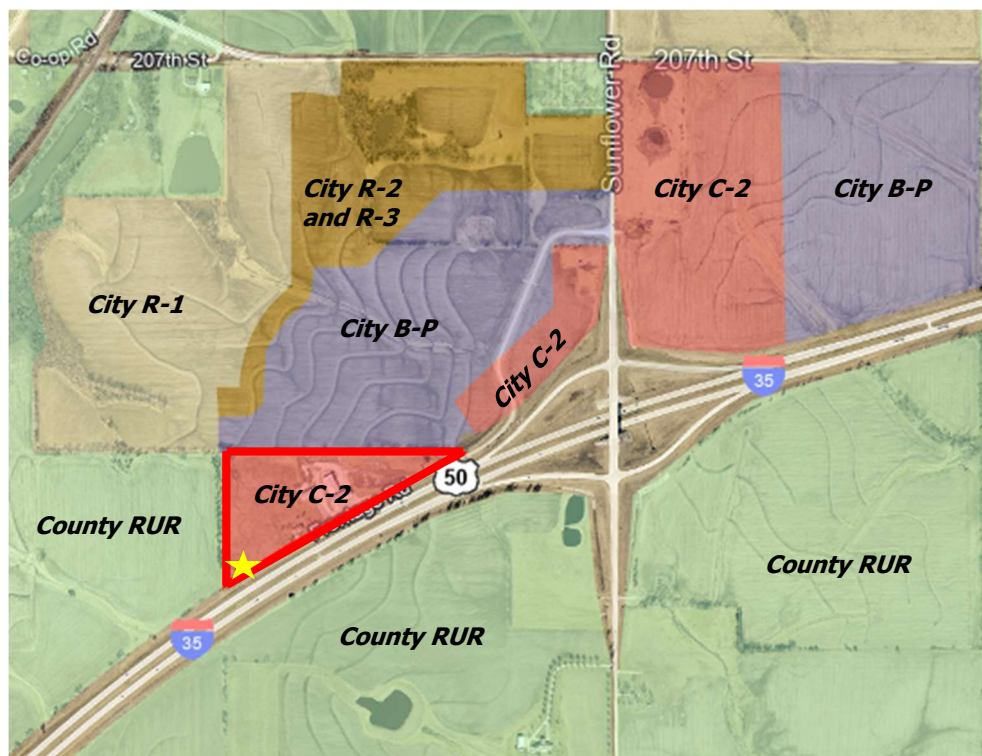


Figure 1 – Zoning Map. Subject Property Outlined in Red. General location of billboard indicated by the Yellow star

CONDITIONAL USE PERMIT REVIEW

Figure 2 below shows the future land use designation for the area, with the subject property outlined in black:

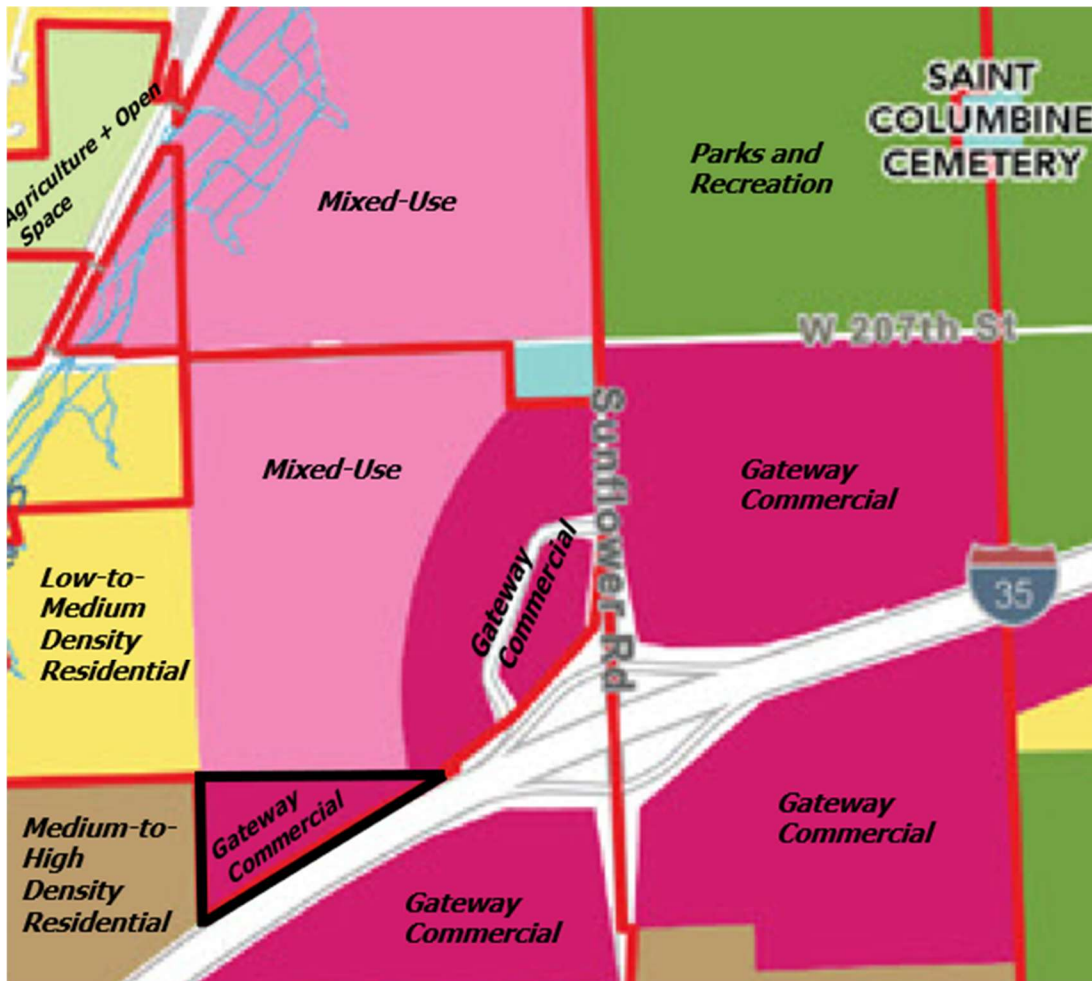


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- b. that the public health, safety, morals, and general welfare will not be adversely affected;
- c. the necessary safeguards will be provided to surrounding property, persons, and neighborhood values; and
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1. The extent to which there is a need in the community for the proposed use.
 - a. *This is one (1) of two (2) billboards that are located within the City of Edgerton, and under the current UDC, no other billboards may be constructed.*
2. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
 - a. *The subject property abuts right-of-way for Interstate 35 (I-35), allowing for traffic to view the sign. The zoning of the parcel is C-2 with one (1) family residential building that is currently occupied. One (1) other building on the site is currently occupied as a business, while the other two (2) buildings are unoccupied. The area surrounding the subject property is undeveloped.*
3. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening.
 - a. *To the immediate south of the subject property is I-35, which is the most appropriate location for this use. The sign is approximately 672 square feet, and the only other nearby structures are on the subject property itself. There are no other improvements near the billboard.*
4. Suitability of the uses of the property without the proposed conditional use permit.
 - a. *There are many uses listed in the UDC that are available for the property owner to pick from that do not require a CUP. The billboard is no longer a permitted use due to amendments made to the UDC, making this request unique.*
5. Length of time the subject property has remained vacant without the proposed conditional use permit.
 - a. *Per Johnson County AIMS, there has been a structure on the parcel since at least 1993. The residential building is occupied and there is a business in one (1) of the other buildings on the subject property. The billboard has been located on the property since 2010 and City staff has not received any complaints regarding the billboard.*

6. The extent to which the proposed use may detrimentally affect nearby property.
 - a. *The nearby properties are not detrimentally affected by the sign. City staff has not received any complaints regarding the sign in the 14 years it has been on the property.*
7. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions.
 - a. *Traffic flow and control is not applicable to this request as it is specifically for the sign. While the currently adopted UDC does not have provisions for billboards, the existing billboard complies with previously adopted development standards.*
8. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services.
 - a. *The only utility that would be needed for the billboard is electricity, which is already onsite via Evergy.*
9. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property.
 - a. *The billboard would not affect the capacity or safety of the road network or present any parking problems.*
10. The environmental impacts that the proposed use would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.
 - a. *The only possible impact of the billboard would be nighttime lighting, however City staff has not received any complaints regarding the lighting of the sign.*
11. The economic impact of the proposed use on the community.
 - a. *The sign could be utilized to attract businesses and travelers into Edgerton, leading to a potential increase in property tax and/or sales tax.*
12. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial.
 - a. *There would be little to no gain to the public health, safety, and welfare of the City of Edgerton should this request be denied. If the request is denied, the applicant would be required to remove the billboards from the property, which would be a significant hardship. Due to that potential hardship, City staff recommends the approval of the CUP for five (5) years.*
13. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community.
 - a. *The Future Land Use Map (FLUM) within the Comprehensive Plan designates the subject property as Gateway Commercial, and the billboard is consistent with the FLUM. While the UDC does not allow new billboards currently, the Planning Commission does have the authority to recommend approval of a CUP for a structure per Section 7.1.B.*

14. In addition to the above criteria, the recommendation of professional staff is also required per Ordinance 798 (2005). Staff recommendation is addressed in the Recommendations Section of this Staff Report.

DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
1	Photos of Current Billboard	

STAFF RECOMMENDATION

Staff recommends approval of Rezoning **Application CU2024-0101**, *Ad Trend, LLC Southern Billboard* with the following stipulations:

1. The sign must be kept in good condition. If repairs to the sign are required, the repairs must be in accordance with the time frame of the City of Edgerton UDC. Failure to maintain the sign will result in revocation of the CUP.
2. This CUP will be valid for five (5) years from the date of approval by the City of Edgerton Governing Body.

Note: For Application CU2024-0101 the Planning Commission is the recommending body for the application to the Governing Body. The Application will be presented to the Governing Body on September 12, 2024.



Aug 6, 2024 7:56:15 AM

**36540 Frontage Road Edgerton
Johnson County Kansas**



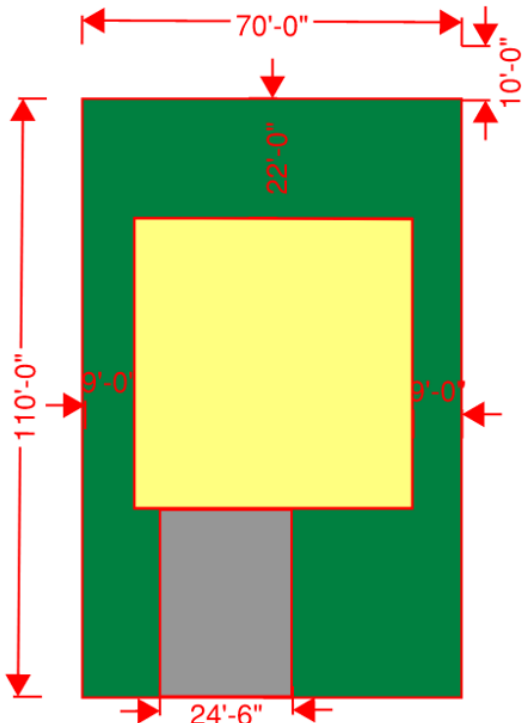
MEMORANDUM

Date: August 13, 2024
 To: City of Edgerton Planning Commission
 From: Zachary Moore, Development Services Director
 Re: Public Hearing for UDCA2024-0001 For Amendments to Article 3 (Agriculture and Residence Districts) of the Edgerton Unified Development Code (UDC) – specifically Driveways and Fences

The current Unified Development Code (UDC) includes standards for driveways in the R-1 District, but the currently adopted standards are limited to minimum width and driveways must be constructed with specific materials. Regarding fences, there are currently no standards for fences in the R-1 District adopted, which could allow for installation of fences that would not be consistent with the character of the City that we would like to see continue as we grow. Staff has identified several design criteria for both driveways and fences that will help promote the residential character that the City desires.

Driveways - Width

The current UDC requires that driveways be a minimum of 18 feet in width, however, that does not include a maximum width that a driveway can be at the drive approach. This can lead to large spans of paved material within the City right-of-way, that the City may need to replace if a reconstruction project takes place. Additionally, large spans of paved material limit the amount of green space that is in the front yard, which can appear unsightly.



Staff proposes that the current standard of minimum width of 18 feet remain. This width is typical to accommodate two (2) passenger vehicles, as the standard dimension for a parking stall is 9 feet by 18-20 feet. Staff recommends introducing a driveway width maximum (to be measured at the right-of-way/property line) of 35% of the total lot width, but in no case to exceed 30 feet in width at the right-of-way line. In addition to the maximum 30 foot width, a driveway may include 2 ½ foot flared 'wings' on either side of the driveway.

The driveway may expand in width beginning 2 feet set back of the right-of-way/property line, provided that the maximum lot coverage for the lot is not exceeded.

For instance, the minimum lot width for a lot zoned R-1 (Single Family Residences) in the City is 70 feet. For a lot of this size, the driveway may be between 18 feet and 24 ½ feet, with a 2 ½ foot wing on either side of the driveway. The image to the left depicts the maximum width of a driveway on the minimum lot size in Edgerton.

Driveways – Number Of

The Edgerton UDC currently does not place a maximum on the number of driveways that can service a lot. Staff is proposing that any single-family residence be limited to a maximum of one (1) new driveway connection to the public right-of-way, whether that be platted street right-of-way or alley right-of-way.

Gated Driveways

The current UDC does not speak to setback requirements for gated driveways. Should a property owner wish to add a gate to their driveway, the gate should be set back far enough on the property to ensure that the flow of traffic in the right-of-way does not get blocked and that vehicles awaiting entry through the gate do not impede the sidewalk. To account for this, staff recommends that a gate for a driveway be placed 25 feet back from the right-of-way/property line.

Driveways – Material

The Edgerton UDC currently requires that all new driveways be constructed of asphalt or concrete. Staff is recommending that additional standards be added to driveway material requirements, specifically clarifying that the asphalt or concrete must be paved, and not asphalt millings. Additionally, staff is proposing that brick pavers may be used as an accent material on driveways, provided that they are laid on concrete. In no case may brick pavers used as an accent be placed in the public right-of-way.

In scenarios where the City must replace a driveway following a construction project, the City will replace the damaged portion of the driveway with concrete.

Fences – Height

The Edgerton UDC permits fences as an accessory to a home in the R-1 District, however, the Code does not have any standards for fences currently. Staff is recommending that height maximums be implemented for fences in the R-1 District. Staff is recommending that the maximum fence height be six (6) feet for side and rear yards and 3 ½ feet for front yards. When applying the height maximum, the front line of the house will serve as the dividing line. In no case may a fence be greater than 3 ½ feet in height when located between the front line of the house and the right-of-way line. The one exception to this height maximum would be if a property owner wishes to construct an entry gateway at a sidewalk connection to the property. A gateway may be placed at the sidewalk connection to the public sidewalk and may not exceed 8 feet in height nor 6 feet in width.

Fences – Material

As mentioned above, the UDC permits fences as an accessory to a home in the R-1 District, however, the UDC does not include any fencing material standards. To ensure that the community has a welcoming appearance, staff recommends adding material requirements for fences. Staff recommends that fences in the front yard (as defined above) must be at least 50% transparent (i.e. split rail, decorative aluminum, chain link, etc.).

All fences must be made of one of the following types of construction or similar: brick or stone walls or pillars, wood stockade, wood lattice, chain link, split rail, wood rail, wrought iron, decorative aluminum, spaced picket fence, imitation vinyl, or composite fence panel. In no scenario may barbed wire, chicken wire, or above ground electric fencing be used.

Conclusion

Staff requests that the Commissioners provide any additional feedback regarding **Article 3** as it relates to fences and driveways. Staff will collect final comments or feedback and incorporate them into a final

version of these Articles, which would be presented to the City Council for review, consideration, and adoption. Prior to presentation to the City Council, staff will provide a revised copy of the UDC to the City Attorney for review.

Please note that should this update be approved, driveways in the City may remain in their current condition as of the date of adoption and may be improved, so long as any existing legal nonconformities are increased upon.